United Nations E/2008/SR.37

Economic and Social Council

Provisional

26 September 2008

Original: English

Substantive session of 2008
General segment

Provisional summary record of the 37th meeting
Held at Headquarters, New York, on Monday, 21 July 2008, at 3 p.m.

President: Mr. Hoscheit (Vice-President) ..... (Luxembourg)

Contents

Non-governmental organizations

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

08-43049 (E)

In the absence of Mr. Mérorès (Haiti), Mr. Hoscheit (Luxembourg), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Non-governmental organizations (E/2008/32 (Part I); E/2008/L.9*, L.13 and L.14)

1. **The President** invited the Council to begin its general discussion of the agenda item.

2. **Mr. Khoshnaw** (Iraq) said that his country's 200 civil society organizations and non-governmental organizations (NGOs) were completely independent, working in such diverse areas as law enforcement, national reconciliation and combating corruption. They enjoyed the support of federal and local organizations and participated in all meetings organized by Iraq's various governorates.

3. Article 43 of the Constitution dealt with civil society's contribution to various activities; inter alia, civil society organizations educated citizens on their right to vote and to stand for election, constitutional concepts, the relationship between citizen and State, the role of the different branches of government and the adoption of a culture of non-violence.

4. The Ministry of State for Civil Society Affairs, had established plans and programmes aimed at making the best use of civil society organizations and channelling their efforts in support of the country's development. Every effort was being made to address Iraq's humanitarian crises and to accelerate its stability and security so that the new Iraq could take its rightful place in the world.

5. **Mr. Gala López** (Cuba) reiterated his delegation's support for the Committee on Non-Governmental Organizations; in order for it to remain credible, Member States must bear in mind, when participating in its discussions, the provisions of Council resolution 1996/31 on the consultative relationship between the United Nations and NGOs and the Charter of the United Nations. He also expressed support for the Non-Governmental Organizations Section of the Department of Economic and Social Affairs and welcomed the fact that, at its resumed session of 2008, the Committee on Non-Governmental Organizations had recommended that the Council should adopt a draft resolution aimed at strengthening that Section.

6. Later that afternoon, the Council would take action on the recommendations contained in the report of the Committee on Non-Governmental Organizations on its 2008 regular session (E/2008/32 (Part I)) and in the excerpt from the report of the Committee on its resumed 2008 session (E/2008/L.9*); an alternative draft decision on the application of the NGO Human Rights Foundation for consultative status with the Council, contained in document E/2008/L.14, was also scheduled for consideration. The draft decision, sponsored by the United States of America, would test the Council's determination to implement resolution 1996/31 in full. It ignored the Committee's recommendation that the Council should reject the application — a decision reached following an in-depth discussion and other steps required by due process — and would instead have the Council refer the application back to the Committee for further review. Such a move would be a waste of resources and would undermine the credibility of both the Committee and its members.

7. Human Rights Foundation failed to meet the criteria for consultative status with the Council for a number of reasons. First, some of its activities violated resolution 1996/31 and the Charter; its website, for example, listed activities, programmes and actions that promoted the subversion and violation of laws in a number of Latin American countries. Second, there was irrefutable evidence that Mr. Armando Valladares, Chairman of the Foundation's Board of Directors, had been involved in planning and carrying out terrorist activities in Cuba; indeed, in 1960, he had been arrested and tried not for exercising his right to freedom of opinion and expression, but for participating in such activities. Third, presenting Mr. Valladares as a defender of human rights was an insult to the Cuban people's intelligence, since he had threatened their lives with his terrorist activities and had been a police officer during the Batista dictatorship. Fourth, the Foundation's attempt to conceal certain voluntary donations, in violation of resolution 1996/31, called into question the transparency of its funding and suggested that it was trying to hide its ties with the Sarah Scaife and Shelby Cullom Davis Foundations.

8. He urged the Council to support the Committee's recommendation that the Foundation's application for consultative status should be rejected. Human Rights Foundation was not an NGO, but an instrument for

activities aimed at denigrating and overthrowing or subverting the constitutional order and governments of sovereign Member States. It was important to prevent the reputation of more serious NGOs from being tarnished.

9. **Mr. Attiya** (Observer for Egypt), speaking on behalf of the Organization of the Islamic Conference and in his delegation's capacity as coordinator for human rights issues, expressed concern at the alarming tendency to contest the technical recommendations of the Committee on Non-Governmental Organizations in a manner that seriously disturbed the institutional balance between the Organization's principal and subsidiary organs. The Council did not have time to consider every application for consultative status in detail; the Committee, however, examined such applications thoroughly and engaged in extensive dialogue with the organizations concerned in order to ascertain whether they met the criteria set out in resolution 1996/31.

10. As a principal organ of the United Nations that fully represented the larger membership, the Council should make every effort to preserve the institutional credibility of its functional commissions. He was in no way suggesting that the Council should not review the work of those commissions, nor did he seek to lessen its authority over its subsidiary organs. He was merely pointing out that the Council had a larger responsibility to strengthen those commissions and their substantive role by deciding not to allow a Committee recommendation to be reopened on selective grounds; by ensuring that every Member State and NGO was equal before the Committee and that the latter considered matters within its technical mandate in line with the principles and procedures set out in resolution 1996/31; and by ensuring that those principles and procedures were applied to all without distinction.

Draft decision entitled "Application of the non-governmental organization Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales" (E/2008/L.13)

11. **Mr. Delacroix** (France), introducing the draft decision on behalf of the European Union, said that he disagreed with the recommendation of the Committee on Non-Governmental Organizations to the effect that the Council should decide not to grant consultative status to the Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales.

12. The European Union was convinced that the NGO met all the criteria for obtaining such status and regretted the Committee's tendency, in recent years, to discriminate against NGOs representing the lesbian, gay, bisexual and transgender community. He called on Member States to adopt an inclusive, non-discriminatory approach when considering requests for NGO accreditation. The European Union therefore requested the Council not to adopt draft decision II, contained in document E/2008/32 (Part I), by which the Council would decide not to grant consultative status to the organization Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales, and to grant consultative status to the organization by adopting draft decision E/2008/L.13.

Draft decision entitled "Application of the non-governmental organization Human Rights Foundation for consultative status with the Economic and Social Council" (E/2008/L.14)

13. **Mr. Hagen** (United States of America), introducing the draft decision, said that since the resumed session of the Committee on Non-Governmental Organizations earlier that year, new and important information had come to light concerning the Human Rights Foundation's application for consultative status with the Council. The Council should therefore return the application to the Committee for further review.

14. His delegation believed that the application deserved to be approved and that the Committee would have recommended its approval had it been able to review all the information now available. Because the Committee had been given only one week to consider the application, and because his delegation's request to defer action on it had been defeated in a procedural vote, it had not been possible to bring that information to the Committee's attention. He was not asking the Council to grant the Foundation consultative status, but merely to give the Committee another opportunity to examine the application.

15. There was ample precedent for such action. As the Cuban delegation had pointed out during the discussion of the application from the organization, Freedom House, at the Council's substantive session of 1995 (E/1995/SR.55), the Council had taken a similar decision on at least two previous occasions because new information that had come to light justified a review of the Committee's original recommendations.

Recommendations contained in the report of the Committee on Non-Governmental Organizations (E/2008/32 (Part I))

16. **The President** drew attention to the recommendations contained in chapter 1, sections A and B, of the report of the Committee on Non-Governmental Organizations on its 2008 regular session (E/2008/32 (Part I)).

Draft resolution entitled "Measures to improve the quadrennial reporting procedures"

17. *The draft resolution was adopted.*

Draft decision I: Applications for consultative status and requests for reclassification received from non-governmental organizations

18. *Draft decision I was adopted.*

Draft decision II: Application of Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales

19. **Mr. Delacroix** (France) requested a vote on the draft decision.

20. **Mr. Rogachev** (Russian Federation) said that his delegation had repeatedly expressed its concern at the practice of suppressing reports of the functional commissions of the Council. In particular, it was opposed to the trend, established in recent years, of attempting to reopen in the Council decisions taken by the Committee on Non-Governmental Organizations in full compliance with its own applicable rules and procedures. Such attempts only exacerbated the politicization of issues relating to NGOs.

21. Because of their positive contribution, NGOs should be more actively involved in the work of the United Nations, in accordance with Council resolution 1996/31; however, in order for constructive cooperation to be possible, they must comply unconditionally with the resolution and its requirements for the granting of consultative status, which must not be subject to arbitrary interpretation. At its May 2008 resumed session, the Committee on Non-Governmental Organizations had examined in detail the applications of the Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales and the Human Rights Foundation and had concluded that they should not be granted consultative status, a position reflected in draft decision II. For those reasons, his delegation intended to vote for the draft resolution in its existing form and encouraged other members of the Council to do likewise.

22. **Mr. Attiya** (Observer for Egypt), speaking in his delegation's capacity as a member of the Committee on Non-Governmental Organizations, expressed concern at the growing trend to contest the technical recommendations of the Committee, which constituted a serious precedent. The Committee thoroughly examined all applications for consultative status and gave each organization an opportunity to present its case so as to verify that it was concerned with matters falling within the Council's competence; that a decision to grant it consultative status or include it in the Roster would bring tangible added value; that its aims and purposes were in conformity with the spirit, purposes and principles of the Charter; and that it undertook to support the work of the United Nations and to promote knowledge of its principles and activities.

23. Due process was key to the Committee's functional role. Those who contested its technical recommendations on the grounds of alleged politicization, selectivity or discrimination were themselves politicizing the work of the Council by campaigning for discriminatory treatment for certain organizations. Such attempts eroded the credibility and legitimacy of a principal organ of the United Nations and of its functional commissions.

24. At the 2008 regular session of the Committee, his delegation had proposed adjourning the debate on a certain organization's application for consultative status in order to allow the organization time to respond to the serious questions that his and other delegations had posed; that proposal was in line with the Committee's usual practice. While his delegation was disappointed that the proposal had been rejected, it was not in favour of reversing or altering the Committee's recommendation; it was far more important to preserve institutional credibility.

25. Again, he was in no way suggesting that the Council should not review the work of its functional commissions, nor did he intend to detract from its authority over its subsidiary organs. He was merely pointing out that it had a larger responsibility to strengthen the credibility of its functional commissions and that it should live up to that responsibility by

upholding due process and rejecting any attempt to subvert it.

26. **Mr. Siles Alvarado** (Bolivia) expressed grave concern at attempts by certain delegations to revisit the Committee's recommendations, calling into question its experts and their neutrality. Human Rights Foundation was a political organization that sought constantly to undermine legitimate and democratically elected governments. Any attempts to revise the Committee's recommendation that its application for consultative status should be rejected were unacceptable to his delegation.

27. **Mr. de Palacio España** (Observer for Spain) recalled that, at its 2008 regular session, the Committee, after a long debate and by a very close vote, had recommended that the Council should not grant consultative status to the Spanish NGO, Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales. At that time, his delegation had been far from convinced that its arguments in favour of consultative status had been taken properly into account. No one should be able to deny the Council, a principal organ of the United Nations, its sovereign right to decide whether to grant an organization consultative status, especially given the serious implications of such decisions.

28. The Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales fully deserved consultative status. For 15 years, it had done a commendable job in such key areas as education, social integration, prevention of discrimination and care of the elderly. Its work had always been inspired by the principles of respect, non-discrimination, freedom, solidarity and plurality enshrined in Spain's Constitution and underpinning all its laws; it respected, applied and promoted the principles enshrined in the Charter; it met all the criteria set out in resolution 1996/31; and, lastly, it respected the law, had not committed any terrorist activities and did not unduly criticize situations which it encountered on a daily basis.

29. It would be impossible for all the views and activities of the more than 3,000 NGOs in consultative status with the Council to enjoy the support of all its members. However, the role of Council members was not to share the opinions of NGOs, but to ascertain whether their actions were legal and whether they met the criteria set out in resolution 1996/31. While his Government respected the fact that other governments' views might differ from its own, such differences of opinion did not justify denying an NGO — especially one that respected the law and did not pose a danger to, or criticize any, Member State — the right to participate in the activities of the United Nations. To deny consultative status to such an NGO would discriminate against it and deny the Council the opportunity to hear a point of view that was necessary and beneficial to its work.

30. His Government had clearly demonstrated to the Council its respect for all States and all orientations, whether cultural, social or religious. It hoped that the Council would return that support by granting consultative status to the Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales.

31. **Mr. Hagen** (United States of America) endorsed the comments made by the representative of Spain. It was not about subverting due process, but about upholding the Council's right to review the decisions of its subsidiary organs. To deny it that right was to say that it was redundant, whereas, in fact, it had the final say. His delegation would vote against draft decision II and he urged other delegations to do the same.

32. **Mr. Delacroix** (France), speaking on behalf of the European Union in explanation of vote before the voting, said that while he recognized the sensitive nature of issues relating to sexual orientation at the United Nations, he was concerned that by recommending that the Council should decide not to grant consultative status to the organization, Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales, the Committee on Non-Governmental Organizations, had acted in a manner that was discriminatory and, thus contrary to both the principles governing the consultative relationship between the United Nations and NGOs and the democratic spirit of the Organization. The widest possible range of opinions must be represented; indeed, resolution 1996/31 confirmed the need to take into account the full diversity of NGOs .

33. To date, over 3,000 NGOs had been granted consultative status with the Council. Although the European Union did not necessarily share the views of many of them, it supported their right to express those views at the United Nations. Legitimate NGOs that represented a recognized group of civil society, of which the Federación Estatal de Lesbianas, Gays,

Transexuales y Bisexuales was one, had a right to make their voices heard.

34. According to resolution 1996/31, in order for an organization to be granted consultative status, it must be concerned with matters falling within the competence of the Council and its subsidiary bodies; its aims and purposes must be in conformity with the spirit, purposes and principles of the Charter; and it must undertake to support the work of the United Nations and to promote knowledge of its principles and activities. The Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales met all those criteria; indeed, most of its work, whether on human rights, education or HIV/AIDS, was in support of the Organization's activities. There was therefore no reason not to grant it consultative status and, as several delegations had pointed out, it would not be the first time that the Council rejected a recommendation of the Committee.

35. *A vote was taken by show of hands.*

36. *Draft decision II was rejected by 22 votes to 20, with 9 abstentions.*

Draft decision III: Application of American Sports Committee

37. *Draft decision III was adopted.*

Draft decision IV: Report of the Committee on Non-Governmental Organizations on its 2008 regular session

38. *Draft decision IV was adopted.*

Recommendations contained in the excerpt from the report of the Committee on Non-Governmental Organizations on its resumed 2008 session (E/2008/L.9)*

39. **The President** drew attention to chapter I, sections A and B, of the excerpt from the report of the Committee on Non-Governmental Organizations on its resumed 2008 session (E/2008/L.9*). The Committee's complete report would be issued in due course as document E/2008/32 (Part II).

Draft resolution: Strengthening of the Non-Governmental Organizations Section of the Department of Economic and Social Affairs of the United Nations Secretariat

40. **Mr. Khane** (Secretary of the Council), reporting on the programme budget implications of the draft resolution, said with regard to paragraph 1 that the capacity of the Non-Governmental Organizations Section to carry out its mandated activities, including the consultative arrangements and the accreditation of NGOs in accordance with Council resolution 1996/31, had to be seen in the overall context of the resources and capacity of subprogramme 1, "Economic and Social Council support and coordination", which fell under section 9, "Economic and Social Affairs", of the programme budget. The Section formed part of the structure of the Office for Economic and Social Council Support and Coordination, which implemented subprogramme 1 activities. All post and non-post resources assigned to the Office or to subprogramme 1 were currently being fully utilized.

41. In addition, the Secretariat was investing in information technology: the Department of Economic and Social Affairs was developing a Web-based toolkit that would enhance its interface with civil society organizations by providing a single point of entry for them to communicate with the Department and facilitating online registration of profiles and applications for consultative status, browsing and searching of civil society organizations and individual contacts, production of reports and mailing lists and management of documentation and correspondence. It would give all stakeholders access to best practices and lessons learned from current and past activities, sustain the level of support to civil society organizations during staff changes and strengthen the work of the various divisions of the Department that provided substantive support to civil society organizations and the Council, including the Non-Governmental Organizations Section. The toolkit would help preserve institutional memory and be used in training the new staff who were expected to join the Section over the next few months owing to retirements.

42. With regard to paragraph 2, he recalled that Council decision 2002/225 had requested the Secretary-General to establish a general voluntary trust fund whose terms of reference were set out in the annex thereto. The activities called for under paragraph 2 fell within those terms of reference and

might be conducted under the existing trust fund and financed from voluntary contributions, if available. The current balance of the fund was $15,300.

43. Thus, no additional appropriation for the biennium 2008-2009 would arise from the adoption of the draft resolution.

44. **Mr. Gala López** (Cuba) said his delegation regretted that the Non-Governmental Organizations Section had not been given the funding needed to carry out its many mandate activities; he hoped that additional funds would be allocated. Every effort must be made to fill all vacant posts in the Section, and the new mobility policy must not be allowed to affect its institutional memory.

45. *The draft resolution was adopted.*

Draft decision I: Applications for consultative status and requests for reclassification received from non-governmental organizations

46. *Draft decision I was adopted.*

Draft decision II: Application of the non-governmental organization Human Rights Foundation for consultative status with the Economic and Social Council

47. **The President** said that a vote on the draft decision had been requested.

48. **Ms. Moreira** (Observer for Ecuador) said that the Committee on Non-Governmental Organizations had rightly recommended that the application by the Human Rights Foundation should be rejected. The Foundation had been involved in political activities against her Government in violation of the Charter of the United Nations and of Council resolution 1996/31. Details of those activities had been outlined in a letter from the President of Ecuador to the Foundation, which her delegation had circulated earlier. She urged all members to endorse the recommendation of the Committee and to adopt draft decision II.

49. **Ms. Omeir** (Observer for Nicaragua) said that it would be undemocratic to overturn a decision taken by a Council body acting fully within its mandate. The Committee on Non-Governmental Organizations, in keeping with Council resolution 1996/31, had, by a two-thirds majority, decided to deny the application of the Human Rights Foundation because of the terrorist background of some of its representatives and a lack of transparency as to its funding. It was surprising that one delegation was now challenging that well-founded decision. The Foundation was not an NGO but a terrorist organization, led by a notorious terrorist, which was trying to destabilize the democratically elected Governments of Cuba, Venezuela, Ecuador and Bolivia. By questioning the draft decision, the Council would be setting a precedent that undermined the work of one of its subsidiary bodies.

50. **Mr. Al-Obaidli** (Observer for Qatar), speaking as a member of the Committee on Non-Governmental Organizations, recalled that in accordance with Council resolution 1996/31, consultative status should not be granted to organizations with political agendas or to terrorist organizations. The actions of the Human Rights Foundation had been deemed to be politically motivated. Furthermore, Cuba had provided the Committee with ample documentation of the Foundation's terrorist activities, and its application for consultative status had accordingly been denied. The Council must now endorse the draft decision not to grant consultative status; to do otherwise would affect the credibility of the Committee.

51. **Ms. Rodríguez de Ortiz** (Observer for Venezuela) said that the political activities of the Human Rights Foundation had been fully examined by the Committee. Her delegation denounced that organization's campaigns in Venezuela: it purported to promote free speech while in reality trying to subvert her Government's decision not to renew the broadcasting permit of one television channel, a matter entirely within the Government's purview; and falsely touted the cases of nine supposed political prisoners being held in Venezuela, of whom only one had been convicted of complicity in the seizure of President Chavez during the recent attempted coup, and was currently in prison. Another argument against the Human Rights Foundation was its failure to reveal all its sources of funding in its submission to the Committee. The Foundation had received due process in the Committee; it was unacceptable for NGOs to try to manipulate the Council with false arguments, and members should vote in favour of draft decision II.

52. **Mr. Taranda** (Belarus), speaking in explanation of vote before the voting, said that in January 2008, the Committee examined the application for consultative status made by the Human Rights Foundation and had found that the Foundation's activities were incompatible with the Charter of the United Nations and with Council resolution 1996/31.

53. The arguments against questioning the Committee's decisions were convincing. In the view of his delegation, its members had reached a correct and fully justified conclusion and had had access to sufficient information. An organization involved in the commission of terrorist acts and engaged in clearly politicized activities could not be admitted as an observer to a principal organ of the United Nations.

54. **Mr. Saeed** (Sudan) said that the Committee, of which his delegation was a member, had reviewed the Foundation's application in detail, looking into the documentation and considering all the information provided. It had become clear that the organization had a definite political agenda linked to one Government's concerns, and that it was suspicious on account of its non-transparent sources of financing and the illegal activities of some of its representatives. His delegation had voted against granting it consultative status in the Committee, and would do so again in the Council.

55. **Mr. Hagen** (United States of America), speaking in explanation of vote before the voting, said that his delegation would vote against draft decision II. He reiterated its view that the Committee had made its recommendation with unnecessary haste and that new information had come to light. The Council should ask the Committee to reconsider the application; there was ample precedent for such a decision.

56. The Foundation was a non-profit organization that did not receive money from any Government and was financed solely by charitable organizations and individual donors. Its mission was to defend human rights and it had a representative structure, including an International Council consisting of 11 members with distinguished records in the field of human rights and a Board of Directors to set programme goals.

57. The Chairman of that Board, Mr. Armando Valladares, had been the subject of false accusations made during the Committee's discussion of the application. Mr. Valladares, born in Cuba in 1937, had been arrested and imprisoned by the Cuban authorities in 1960, following the Cuban revolution, and sentenced to 30 years' imprisonment for "offences against the power of the State". Following his classification as a prisoner of conscience by Amnesty International and a high-profile international campaign on his behalf, he had been released in 1983 and allowed to leave Cuba. In 1988, the Government of the United States of America had appointed him Ambassador to the then United Nations Commission on Human Rights, and he was still working in defence of human rights.

58. The Foundation's application for consultative status had first been submitted to the Committee during its one-week resumed session in 2008. On the last day of the session, the Cuban delegation had made serious charges, accusing it of slanderous attacks on Cuba, Venezuela and other United Nations Member States and claiming that Mr. Valladares had been a terrorist in Cuba and a member of the repressive police force of former Cuban dictator Fulgencio Batista. Calling him a clown and a gang member, it had distributed various documents, in Spanish only, in support of its charges: a copy of a National Police identity card, two newspaper articles reporting his arrest in 1960 and a court record of his trial.

59. His own delegation had asked the Committee to defer action on the application until its next session in order to examine the documents and investigate the charges and had suggested that the Committee should invite a representative of the Foundation to appear in person to answer any questions. The delegation of Cuba had called for a vote on the request for a deferral, which had been defeated by 6 votes to 12 with one abstention, indicating that more than a third of the Committee's 19 members were unwilling to take action on the application so soon after receiving it. The decision violated the Committee's established practice of considering new applications during at least two successive sessions; delegations had also complained that no translations of the Spanish documents had been provided.

60. While acknowledging the care and thoroughness with which the Committee had always carried out the Council's mandate under Article 71 of the Charter, he pointed out that the Council had, on occasion, decided that an application should be returned to the Committee for further consideration. The Human Rights Foundation was just such a case. A number of new documents had been sent by the Foundation to the members of the Council on 11 July 2008, including a statement made under oath in 1988 by Jorge Robreño, President of the Revolutionary Military Tribunals of the Province of Havana at the time of Mr. Valladares' trial in 1960, confirming that Mr. Valladares had not been accused of being a terrorist or of committing any acts of violence and that there had been no suggestion, during the trial, that he had been a policeman under the Batista regime.

61. **Mr. Gala López** (Cuba), speaking on a point of order, said that since the time available for explanations of vote before the voting was limited, the representative of the United States of America should distribute the documentation to which he had referred outside the meeting. He asked the President to call the representative of the United States to order so that the Council might proceed to vote on draft decision II.

62. **The President** asked the representative of the United States to conclude his remarks.

63. **Mr. Hagen** (United States of America), speaking in explanation of vote before the voting, said that there were many other documents that refuted the charges brought by the Cuban delegation against the Human Rights Foundation, including recent letters from four past permanent representatives of Venezuela to the United Nations.

64. **Mr. Gala López** (Cuba), speaking on a point of order, called on the representative of the United States of America to conclude his remarks so that other members of the Council could present their explanations of vote.

65. **Mr. Hagen** (United States of America), speaking in explanation of vote before the voting, reiterated that the new information, which he had hoped to describe in more detail, had not been available to the Committee when it decided to reject the Foundation's application. If it had been available, and if the Committee had reviewed it with its customary care, his delegation was convinced that the Foundation would have been granted consultative status. His delegation would vote against the Committee's recommendation, contained in draft decision II, and urged other members of the Council to do the same.

66. **Ms. Abdelhak** (Algeria), speaking in explanation of vote before the voting, said that her delegation intended to vote in favour of draft decision II out of respect for the decisions of the Committee, as it had also done in the case of the draft decision on the application of the Fedéración Estatal de Lesbianas, Gays, Transexuales y Bisexuales, contained in document E/2008/32 (Part I). She considered that the Committee had had sufficient time to consider the application submitted by the Human Rights Foundation; moreover, the detailed information provided by the Foundation itself clearly showed that its actions with regard to some Member States were politically motivated.

67. The representatives of the countries where the Foundation was active had made a submission to the Committee, denouncing its subversive political campaigns undertaken, in violation of the Charter and of Council resolution 1996/31. Information presented by a Member State also revealed links to terrorist acts, for which one member of the Foundation had been sentenced to 30 years' imprisonment. The Committee had adopted its recommendation on the basis of a transparent and democratic process and her delegation welcomed its vigilance in ensuring that the United Nations did not give a platform to individuals directly or indirectly linked to terrorism, against which the international community was united.

68. **Mr. Delacroix** (France), speaking on behalf of the European Union in explanation of vote before the voting, said that the European Union was unable to support the Committee's decision regarding the Foundation since at the time that the decision was taken, several members of the Committee had indicated that they did not have enough information and had requested more time to consider the application. The Council should give the Committee time to take an informed decision after due consideration of the many documents circulated by various States and individuals. Its members would therefore vote against draft decision II.

69. **Mr. Siles Alvarado** (Bolivia) said that he was concerned not only about the historical background presented by the Cuban delegation but, more importantly, about the present and future activities of the Foundation. Since one of its stated principles was to promote democracy in Bolivia, the organization obviously believed that democracy did not yet exist in Bolivia in the form that it would prefer.

70. The Foundation took a totally partisan approach to the defence of human rights in his country. It had, for example, defended the right to free expression of a Cuban refugee whom his democratically elected Government had sought to expel for making public calls for its overthrow, and when a former miner had been brutally attacked by a group of university students with links to the pro-democracy movement supported by the Foundation, for the sole reason that he was wearing a shirt bearing the name of the government party, the Foundation had said nothing about the human rights of the victim. His delegation could provide much more evidence of the Foundation's attempts to overthrow Governments with which it, or

the interests it represented, did not agree. There was no need to prolong the decision on its application by returning it to the Committee since, even if the delegation of the United States of America had obtained new information favourable to the application, his own delegation could present far more extensive information on the activities in which it was really involved. He therefore urged the Council to support the Committee's decision by deciding not to grant consultative status to the Foundation.

71. **Ms. Zhang** Dan (China) said that her delegation, having participated as a member of the Committee on Non-Governmental Organizations in the review of the application submitted by the Foundation, supported the decision not to grant consultative status to the organization. According to Council resolution 1996/31, paragraph 2, the aims and purposes of any non-governmental organization applying for consultative status must be in conformity with the spirit, purposes and principles of the Charter of the United Nations, while, according to paragraph 57 of the resolution, consultative status could be suspended or withdrawn if the organization were shown to be associated with internationally recognized criminal activities. It was therefore clear that NGOs applying for consultative status should not participate in criminal activities, including terrorist acts or political activities encroaching on the sovereignty and territorial integrity of Member States, as prohibited by the Charter.

72. On the issue of terrorism, all delegations, including her own, agreed on the need to condemn and combat terrorist activities, whatever their form and regardless of the State involved. China had always respected the information on terrorism supplied by other States and believed that exchange of intelligence was key to strengthening international counter-terrorism cooperation. The evidence provided by the Cuban delegation showed that the Chairman of the Human Rights Foundation had planned the terrorist bombing of various public facilities, including cinemas, and had been found guilty of those activities under the law.

73. Moreover, her delegation believed that the Committee had considered the Foundation's application in a full and fair manner, with regard for due process, having discussed it on three separate occasions and raised 28 questions to which the Foundation had responded. The secretariat of the Committee had also invited the Foundation to attend a meeting in order to provide further clarification but, regrettably, no representative had been sent.

74. The draft decision was also in line with the Committee's usual practice regarding NGOs involved in terrorism. For many years, it had been resolutely opposed to terrorism of any form and, based on counter-terrorism intelligence provided by Member States, had decided not to grant, or had withdrawn, the consultative status of various organizations. It was necessary to give equal treatment to all information provided by Member States concerning the involvement of NGOs in terrorism, and a decision not to grant consultative status to the Foundation would therefore be in line with normal practice and in the interests of all Member States. Her delegation called on the Council to adopt the draft decision.

75. **Mr. Jesus** (Angola), speaking in explanation of vote before the voting, said that his delegation was a member of the Committee and had voted in favour of Cuba's proposal not to grant consultative status to the Foundation at the resumed 2008 session. Stressing the importance of the Committee's credibility, he suggested that the Council should be concerned about any trend for decisions taken by Member States in a transparent manner to be reversed and that it should ensure that in coming years, the general segment did not spend its time considering draft decisions designed to reverse the outcome of a democratic and fair process. Out of respect for the decisions of Member States contained in the Committee's report, his delegation would vote in favour of draft decision II and urged other delegations to do the same.

76. **Mr. Gala López** (Cuba) said that the Committee had rejected the Foundation's application, by more than a two-thirds majority. The Foundation engaged in a clear pattern of politically motivated acts against various Member States and there was irrefutable documentary proof that the Chairman of its Board of Directors, Armando Valladares, had been involved in the planning and execution of terrorist activities in Cuba. The financial information submitted in the application also showed that the organization did not comply with the provisions of resolution 1996/31.

77. Bearing in mind that the Foundation had been invited to send a representative to be present during consideration of its case at the 2008 resumed session of the Committee but had decided not to do so, and that

the Committee had engaged in an in-depth discussion of the case based on information received from the Foundation in response to questions raised by Member States, his delegation believed that the Committee had followed due process in considering the application. It was not the first time that an application had been presented and rejected in the same session; such a decision was taken whenever it became clear that an applicant organization did not respect the principles laid down in Council resolution 1996/31.

78. The Foundation was not an NGO, but rather a political organization serving as an instrument for activities aimed at undermining or overthrowing the Governments of certain Member States. His delegation would vote in favour of draft decision II and urged other Council members to do the same. In so doing, they would send a strong message of support for Council resolution 1996/31 and for the work of the Committee, underscore the will of the Member States to combat terrorism and demonstrate that commitment to truth and justice could be stronger than the pressure imposed by powerful nations.

79. *A vote was taken by a show of hands.*

80. **The President** suggested that for the convenience of delegations during the counting process, they might wish to raise their nameplates rather than their hands.

81. *Draft decision II was adopted by 29 votes to 19, with 3 abstentions.*

82. **Mr. St. Aimee** (Saint Lucia) said that, as Saint Lucia was not a member of the Committee on Non-Governmental Organizations, his delegation had not played a part in the decision regarding the Human Rights Foundation. It had abstained from voting on draft decision II because, as a small island State, it lacked the resources to review the large volume of information on the Foundation received since the Committee had considered the matter.

83. **Mr. Gala López** (Cuba) said that by adopting draft decision II, the Council had expressed its support for truth and legitimacy, for the Charter and for Council resolution 1996/31. It had upheld the credibility of the Committee on Non-Governmental Organizations, which had considered many applications for consultative status over the years, and had respected the Committee's practice of denying consultative status to organizations linked to terrorist acts. The United Nations had sent a clear message to the international community that individuals who planted bombs and committed crimes against its Member States would not be allowed to walk its halls.

Draft decision III: Complaint against the non-governmental organization World Union for Progressive Judaism

84. *Draft decision III was adopted.*

Draft decision IV: Dates of and provisional agenda for the 2009 session of the Committee on Non-Governmental Organizations

85. **Mr. Khane** (Secretary of the Council) recalled that, at the time of its adoption of draft decision IV for approval by the Council, the Committee on Non-Governmental Organizations had expressed the wish to hold its 2009 regular and resumed sessions during equal time periods in January and May 2009. Because of the lateness of the Committee's request, the Secretariat had not been in a position to provide alternative dates at that time. The Committee had therefore decided to adopt the draft decision with provisional dates on the understanding that, upon the Secretariat's confirmation of new dates in response to the Committee's request, the draft decision would be corrected accordingly. He was pleased to report that that request could now be met. Therefore, paragraph (a) of the draft decision should be revised to read: "Decides that the 2009 regular session of the Committee on Non-Governmental Organizations will be held from 19 to 28 January 2009 and its resumed session from 18 to 27 May 2009;".

86. *Draft decision IV as orally corrected, was adopted.*

Draft decision V: Report of the Committee on Non-Governmental Organizations on its 2008 resumed session

87. *Draft decision V was adopted.*

Draft decision entitled "Application of the non-governmental organization Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales" (E/2008/L.13)

88. **Ms. Khan** (Saudi Arabia), recalling that the Council had voted by show of hands not to adopt draft decision II: Application of Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales, contained

in document E/2008/32 (Part I), said her delegation was concerned that its views had not been accurately reflected at that time. She therefore requested that, before the Council took action on draft decision E/2008/L.13, on the same issue, the vote on draft decision II should be conducted once again, by roll-call instead of by show of hands.

89. **Mr. Saeed** (Sudan) said that his delegation shared the concern of the representative of Saudi Arabia about the vote on draft decision II. Rule 61 of the rules of procedure of the Council provided an opportunity for representatives to request a roll-call vote instead of a vote by show of hands if they wished. He asked the Secretariat for guidance on how to proceed.

90. **The President** said that the vote on draft decision II had been conducted in the customary manner; it had been clear which delegations wished to vote in favour, which wished to vote against and which wished to abstain.

91. **Mr. Saeed** (Sudan) recalled that after the members of the Council had voted on draft decision II contained in document E/2008/32 (Part I), they had also been called upon to vote on another draft decision II on the topic of "Application of the non-governmental organization Human Rights Foundation for consultative status with the Economic and Social Council", contained in document E/2008/L.9. On that occasion, the President had requested representatives to raise their flags, rather than their hands in order to facilitate the counting of votes. That suggested that the President had some doubt about the accuracy of the counting of the first of the two votes.

92. **The President** assured the representative of Sudan that his suggestion had been made only to prevent Council members from having to sit with their hands raised, not to make the counting of the votes more accurate.

93. **Mr. Khane** (Secretary of the Council), recalling that, following the vote on draft decision II contained in document E/2008/32 (Part I), the President, as was customary in the Council, had invited comments. At that time, an hour and a half previously, no concern about the conduct of the vote had been expressed.

94. Rule 61 of the rules of procedure of the Council provided for voting to take place normally by show of hands, except in the case of elections, and did indeed provide the opportunity to request a roll-call vote. However, rule 57 prevented a proposal which had already been adopted or rejected from being reconsidered at the same session unless the Council so decided. Accordingly, no action on the request of the representatives of Saudi Arabia and Sudan could be taken unless the Council first considered a motion to reconsider the original proposal.

95. **Mr. Delacroix** (France) said his delegation believed that the original vote on draft decision II contained in document E/2008/32 (Part I) had been conducted in accordance with rule 61 of the rules of procedure and that the Council should proceed immediately to take action on draft decision E/2008/L.13.

96. **Mr. Saeed** (Sudan), speaking on a point of order, said that the way forward must be clarified before the Council considered draft decision E/2008/L.13. In particular, the concern, expressed by more than one delegation, that the votes on draft decision II contained in document E/2008/32 (Part I) had been miscounted must be allayed. While the two draft decisions related to the same NGO, draft decision II contained in document E/2008/32 (Part I) related to a determination made by the Committee on Non-Governmental Organizations while draft decision E/2008/L.13 originated in the Council.

97. **Ms. Houngbedji** (Benin) agreed that the concerns of some delegations should be addressed before action was taken on draft decision E/2008/L.13.

98. **Mr. Saeed** (Sudan), speaking again on a point of order, said that the request made by the representative of Saudi Arabia and supported by his own and other delegations was that the proposal in question should be reconsidered and that the method employed in that reconsideration should be a roll-call vote. In accordance with rule 57 of the rules of procedure, the necessary motion to reconsider must therefore be put to the vote in the Council.

99. **Mr. Lima** (Cape Verde) said that the representative of Saudi Arabia had the right both to request that a proposal should be reconsidered and to request that a vote should be conducted by roll-call rather than by show of hands. The Council must therefore deal with the resulting procedural issue.

100. **Mr. Tarar** (Pakistan) said that his delegation supported the request made by the representative of Saudi Arabia.

101. **Ms. Hill** (New Zealand) said that she wondered why the concerns expressed had not been raised immediately after the vote on draft decision II contained in document E/2008/32 (Part I). While recognizing the prerogatives of delegations, it was not clear whether the exceptional circumstances for which rule 57 was applicable existed in the case at hand. She cautioned against setting a precedent and urged that the matter be considered with care.

102. **Mr. Majoor** (Netherlands) said that his delegation shared the views of the delegation of New Zealand. Rule 57, on the reconsideration of proposals, fell within Chapter X of the rules of procedure, on the conduct of business, whereas rule 61, on the method of voting, fell within Chapter XI, on voting and elections. Since the representative of Saudi Arabia's request related not to the substance of the proposal but to the method used to vote on it, reconsideration of the proposal did not seem appropriate.

103. **The President** recalled that pursuant to rule 57, only two representatives opposing a motion to reconsider a proposal were permitted to speak; the motion must then be put to the vote.

104. **Mr. Saeed** (Sudan), speaking again on a point of order, said that his delegation wished the vote on the motion to be conducted by roll-call.

105. **Mr. Delacroix** (France) said that his delegation saw no grounds for reconsidering a proposal on which a vote had already been taken in full compliance with rule 61. The representative of Saudi Arabia had had the opportunity to request a roll-call vote when the proposal had been put to the Council for consideration.

106. **Ms. Hill** (New Zealand) reiterated her delegation's view that any concerns regarding the vote on draft decision II should have been raised at the time of the vote and that reconsideration of the proposal risked creating an undesirable precedent.

107. **The President** suggested that in accordance with rule 57 of the rules of procedure, the Council should take action on the motion to resubmit draft decision II to a vote.

108. *A roll-call vote was taken on the motion to take a new vote on draft decision II contained in document E/2008/32 (Part I).*

109. *Romania, having been drawn by lot by the President, was called upon to vote first.*

In favour:

Algeria, Angola, Belarus, Benin, Bolivia, Cameroon, Cape Verde, China, Congo, Cuba, Guinea-Bissau, Guyana, Haiti, Indonesia, Iraq, Malawi, Malaysia, Mauritania, Niger, Pakistan, Paraguay, Russian Federation, Saint Lucia, Saudi Arabia, Somalia, Sri Lanka, Sudan.

Against:

Austria, Brazil, Canada, Czech Republic, El Salvador, France, Greece, Iceland, Japan, Kazakhstan, Liechtenstein, Luxembourg, Moldova, Netherlands, New Zealand, Poland, Portugal, Republic of Korea, Romania, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Barbados, Mozambique, Philippines.

110. *The motion was adopted by 27 votes to 23, with 3 abstentions.*

The meeting rose at 6.20 p.m.